Calendar No. 475

100TH CONGRESS
1st Session

SENATE

REPORT
100-246

HAGERMAN FOSSIL BEDS NATIONAL MONUMENT, IDAHO

DECEMBER 9 (legislative day, DECEMBER 8), 1987.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1675]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1675) to provide for the establishment of the Hagerman Fossil Beds National Monument in the State of Idaho, and for other purposes, having considered the same, reports favorably thereon with an amendment to the text and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That in order to preserve for the benefit and enjoyment of present and future generations the outstanding paleontological sites known as the Hagerman Valley fossil sites, to provide a center for continuing paleontological research, and to provide for the display and interpretation of the scientific specimens uncovered at such sites, there is hereby established the Hagerman Fossil Beds National Monument (hereinafter in this Act referred to as the "monument").

(a) The monument shall consist of approximately four thousand three hundred and ninety-four acres as depicted on a map entitled "Boundary Map, Hagerman Fossil Beds National Monument, Idaho" number HAFO-20,012A and dated September, 1987. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior and the Office of the Superintendent, Hagerman Fossil Beds National Monument, Idaho.

(b) Within six months after the enactment of the Act, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall file a legal description of the monument designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in subsection (a). The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

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SEC. 2. (a) The Secretary is authorized to acquire lands or interests in lands only by donation or exchange.

(b) Notwithstanding any other provision of law, any Federal property located within the boundaries of the monument shall be transferred without consideration to the administrative jurisdiction of the Secretary to be administered in accordance with the purposes of this Act.

(c) In acquiring non-Federal lands by exchange pursuant to this Act, the Secretary shall utilize his existing authority including but not limited to applicable provisions of the Federal Land Policy and Management Act of 1976 (Public Law 94-579).

SEC. 3. The Secretary shall administer the monument acquired pursuant to this Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

SEC. 4. Nothing in this Act, nor any action taken pursuant thereto, shall constitute or be construed to constitute either an express or implied reservation of water or water right for any purpose. The United States may acquire such water rights as it deems necessary to carry out its responsibilities under this Act pursuant to the substantive and procedural requirements of the laws of the State of Idaho. The transfer of lands to the administrative jurisdiction of the Secretary pursuant to section 2 shall not affect any reserved water right which the United States may have acquired for the primary purposes for which such lands were originally withdrawn to the extent such rights are consistent with the purposes for which such lands are to be administered pursuant to this Act.

SEC. 5. Nothing in this Act shall affect electrical generating and transmission and irrigation pumping and transmission facilities in existence within the boundaries of the monument, or the right to operate, maintain, repair, upgrade, and modify such facilities. Such facilities are hereby expressly determined to be compatible and consistent with the purposes of this Act.

SEC. 6. In order to provide for continuing paleontological research, the Secretary shall incorporate in the general management plan provisions for the orderly and regulated use of and research in the monument by qualified scientists, scientific groups, and students under the jurisdiction of such qualified individuals and groups.

SEC. 7. Subject to valid existing rights, Federal lands and interests therein, within the monument, are hereby withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970, as amended.

SEC. 8. There are hereby authorized to be appropriated not to exceed $5,000,000 to carry out the purposes of this Act.

PURPOSE OF THE MEASURE

The purpose of S. 1675 is to establish a 4,400 acre Hagerman Fossil Beds National Monument in the State of Idaho.

BACKGROUND AND NEED

The Hagerman Pliocene fauna sites are among the largest and best preserved of their kind in the world. The Hagerman fossils represent the remains of a Pliocene-epoch fauna and flora 3½ million years old—species now largely extinct. During the Pliocene epoch, the Hagerman area was vastly different from the dry fossil locale of today. During the Pliocene period, the Hagerman area was comprised of an aquatic lake or marshlands. There, in an aquatic-based environment, zebra-like horses, peccaries, ground sloths, saber-tooth cats, mastodons, camels, and smaller animals such as beaver, muskrats, and others lived long before the emergence of man.

The Hagerman fossil locality is known to mammalian vertebrate paleontologists throughout the world as a classic example of late Pliocene fauna. Over 25 paleontologists have published reports on the Hagerman fauna sites—paleonotologists from the United States

and abroad. The stratigraphy, geomorphology, and geologic history have been thoroughly investigated by the U.S. Geological Survey.

Unquestionably, the site possesses scientific value of international importance. In a 1972–74 study, the National Park Service concluded that the area would be an appropriate addition to the National Park System. In 1975, the Secretary of the Interior designated the Hagerman Fauna Sites as a National Natural Landmark in recognition of its paleontological value. The Bureau of Land Management currently manages Federal lands within the area and has designated it as an Area of Critical Environmental Concern.

LEGISLATIVE HISTORY

S. 1675 was introduced by Senator McClure on September 10, 1987. A hearing was held before the Public Lands, National Parks and Forests Subcommittee on October 20, 1987.

At a business meeting on December 2, 1987, the Senate Committee on Energy and Natural Resources ordered S. 1675, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on December 2, 1987, by a unanimous vote of a quorum present recommends that the Senate pass S. 1675, if amended, as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Ford*	
Mr. Melcher	
Mr. Bradley*	
Mr. Bingaman*	
Mr. Wirth	
Mr. Fowler*	
Mr. Conrad*	
Mr. McClure	
Mr. Hatfield	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Evans	

* Indicates voted by proxy.

COMMITTEE AMENDMENT

During the consideration of S. 1675, the Committee adopted an amendment in the nature of a substitute. The substitute makes a number of technical and clarifying changes in the bill as introduced. It also includes the following substantive changes: (1) inclusion of an appropriately referenced and dated map; (2) clarifying

language regarding the Secretary's land acquisition authority including his authority to acquire lands by exchange; (3) new provisions relating to the reservation of water for the monument; and (4) a new provision withdrawing the Federal lands and interests within the monument from the operation of the public land laws, mining and mineral leasing laws, and the Geothermal Steam Act.

These and other provisions are discussed in more detail in the Section-By-Section Analysis portion of this report.

SECTION-BY-SECTION ANALYSIS

Section 1 sets forth the purposes of the legislation; references the official map depicting the monument; and directs the Secretary to file a legal description of monument with the appropriate Committees of Congress.

Section 2 authorizes the Secretary to acquire lands within the monument. He may acquire lands only by donation or exchange. In acquiring lands by exchange, the Secretary is to use his existing authority including the exchange provisions of the Federal Land Policy and Management Act. Any Federal land located within the monument boundary is to be transferred to the Secretary of the Interior for administration as part of the monument.

Section 3 directs the Secretary to administer the monument in accordance with the 1916 Organic act of the National Park Service.

Section 4 addresses the issue of Federal reserved water rights. The bill as introduced had expressly reserved such water rights to the United States as may be necessary to carry out the purposes of the Act with respect to all lands withdrawn from the public domain for the reserve. Section 4 was changed to state that no Federal reserved water right is established either expressly or by implication by this Act. The Director of the State Department of Water Resources and the Attorney General of the State have stated that a creation of a Federal reserved right would complicate efforts to determine water rights in the Snake River Basin and in the monument as established and is not needed. However, the Secretary may acquire water rights pursuant to the substantive and procedural requirements of State law. The amendment does not affect any reserved water right which the United States may have acquired for the primary purposes for which lands were originally withdrawn to the extent such rights are consistent with the purposes of this Act.

During consideration of this section of the bill the following colloquy occurred between Senator McClure and Senator Wirth:

> Senator McCLURE. And I think the discussion is legitimate. I think it needs to be undertaken.
>
> I think there also needs to be careful understanding of the differences of legislative language. There are some people who have been afraid that the New Mexico language was precedent, or that the Idaho language is a precedent.
>
> The only precedent I am seeking to establish, frankly, is a clear statement that in each piece of legislation, what is intended with respect to that particular unit, and it is not

intended to be language to be universally applied to every future designation of public lands.

Senator WIRTH. I think that is an extremely fair statement. As you know, Mr. Chairman, this issue has been a very contentious one, as we have approached what is going to happen with various national park designations, wilderness designations, both on Forest Service land and in the future on BLM land.

And maybe we cannot work it out case by case. But with the understanding that we all agree on what the Senator from Idaho has said about this not setting precedents for other situations, it is only a designations related to that area alone, and that we would all argue that this is not a precedent.

I mean, what you do in Idaho may not be relevant to our situation in Colorado, or to Senator Bingaman's situation, or to Senator Domenici's situation in New Mexico, and that is extremely important.

Senator MCCLURE. Exactly.

Senator WIRTH. With that as an understanding, and if we could have that loud and clear in the report language, and that we would all count on that if any further discussions come up, then I would be very happy to go along with what the Senator is pointing out.

I think that is a very fair way of pointing it out, and I thank the Senator.

Senator MCCLURE. Well, I thank the Senator for his statement.

The thing I think should be understood in connection with this, the treatment of water and the impact of a designation upon the allocation of water within the State is a special condition of every land transaction involving the Federal Government, just as the boundaries, acreage and the special use provisions for other aspects of that land are also unique to a specific area.

And I think it has to be looked at on a case-by-case basis, as every other part of that legislation dealing with that land is a specific and special decision with respect to that land, and those resources.

Senator WIRTH. I appreciate that, and if we can proceed on the assumption that we have got an Idaho solution to an Idaho problem, and a New Mexico solution to a New Mexico problem, and a Colorado solution to a Colorado problem, it seems to me that then allows us the kind of flexibility to move ahead and do this case by case.

Senator MCCLURE. And you may even have different solutions for different tracts.

Senator WIRTH. Absolutely. That is just fine. Thank you very much. Thank you, Mr. Chairman.

The Committee agrees with the intent of this provision as expressed by Senators McClure and Wirth.

Section 5 makes it clear that nothing in this Act will affect various electrical or irrigation facilities with the boundary of the

monument including the operation, maintenance, repair, upgrading or modifiction of such facilities.

Section 6 directs the Secretary to incorporate in the general management plan for the monument, provisions for the orderly and regulated use of and research in the monument by qualified scientists, scientific groups, etc.

Section 7 withdraws the Federal lands within the monument from disposition under the public laws as well as from entry or appropriation under the mining laws, mineral leasing laws, and the Geothermal Steam Act.

Section 8 authorizes the appropriation of $5 million to carry out the purposes of the Act.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressonal Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1675. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1675, as reported.

EXECUTIVE COMMUNICATIONS

On September 29, 1987, the Committee on Energy and Natural Resources requested legislative reports from the Departments of the Interior and Agriculture and the Office of Management and Budget setting forth executive views on S. 1675. The report from the Department of the Interior had not been received at the time the report on S. 1675 was filed. When the report becomes available, the chairman will request that it be printed in the Congressional Record for the advice of the Senate.

The report from the Department of Agriculture follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, November 25, 1987.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of this Department regarding S. 1675, a bill "To provide for the establishment of the Hagerman Fossil Beds National Monument in the State of Idaho, and for other purposes."

The Department of Agriculture defers to the Department of the Interior since enactment of this bill would not affect this Department's programs or National Forest System lands.

S. 1675 would establish the Hagerman Fossil Beds National Monument to preserve the fossil sites, to provide a research center, and to provide for the display and interpretation of scientific specimens. The Secretary of the Interior would be authorized to acquire land by donation, purchase with donated funds, exchange, or bequest. Any Federal lands within the boundaries of the Monument would be transferred to the jurisdiction of the Secretary of the Interior. Any property acquired by the Secretary of the Interior would be managed in accordance with the Act entitled "An Act to establish a National Park Service, and for other purposes."

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

PETER C. MYERS,
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1675, as reported.

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Calendar No. 476

100TH CONGRESS
1st Session

SENATE

REPORT
100-247

ST. JOHNS RIVER VALLEY, FLORIDA

DECEMBER 9 (legislative day, DECEMBER 8), 1987.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 1983]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1983) authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, Florida, and for other purposes, having considered the same, reports favorably thereon with amendments to the text and recommends that the Act, as amended, do pass.

The amendments are as follows:

1. On page 4, line 3, add the following new sentence:

> On lands acquired for inclusion within the Preserve, the Secretary shall not impair any legal riparian right of access nor shall he preclude the continued use of any legal right of way.

2. On page 4, strike lines 4 through 6 in their entirety and insert the following:

> "(c) ADMINISTRATION.—The Secretary shall administer those lands acquired for inclusion within the Preserve in such a manner as to protect the natural ecology of such land and water areas in accordance with this Act".

3. On page 4, after line 14, insert the following new subsection:

> (d) Nothing in this Act shall affect development of a multiunit residential/resort project currently proposed for Fort George Island, nor shall any provision of this Act be construed to affect any Federal, State or local law applicable to such project.

S313-48

Purpose of the Measure

The purposes of H.R. 1983 are to establish the Timucuan Ecological and Historic Preserve in the St. Johns River Valley, Florida and to direct the Secretary of the Interior to construct and maintain a museum at Fort Caroline settlement, Saint Johns Bluff, Florida.

Background and Need

H.R. 1983 would establish the Timucuan Ecological and Historic Preserve (Preserve) including the wetland areas of the St. Johns River and that portion of the Nassau River which is in Duval County, Florida.

These estuarine areas are considered by many biologists to be among the richest, most productive marshes in the United States. They provide an important food source for feeding and nursery areas used by numerous species of fish and shellfish—particularly shrimp. The impairment or loss of these areas could have an adverse impact on the marine fishery of northern Florida. In addition, the marshes provide essential, even critical, habitat for many species of resident and migratory birds. The area also provides critical habitat for the endangered manatee.

This region of northern Florida also provides a rich history of the European settlement of North America. Fort Caroline, on the southern boundary of the proposed unit was established by the French in 1564, and was designated as a unit of the National Park System in 1950. Also included in the proposed Preserve boundary are remnants from the British occupation after the French-Indian War; the first road built by the Spanish in 1565 to attack Fort Caroline; a Spanish mission, San Juan Del Puerto; and the southernmost battlefields of the Revolutionary War at Thomas Creek and Alligator Bridge.

Legislative History

H.R. 1983 passed the House on July 21, 1987. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the measure on September 29, 1987. Senators Graham, Chiles and Fowler introduced a similar Senate bill, S. 1367, on June 16.

At a business meeting on December 2, 1987, the Senate Committee on Energy and Natural Resources ordered H.R. 1983, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on December 2, 1987, by a unanimous vote of a quorum present recommends that the Senate pass H.R. 1983, if amended, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford*	
Mr. Metzenbaum	
Mr. Melcher	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Fowler	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Evans	

*Indicates voted by proxy.

Committee Amendments

The Committee adopted three amendments to H.R. 1983 as passed by the House. The first amendment directs the Secretary of the Interior to protect legal riparian access rights and the continued use of all legal rights-of-way on lands acquired for inclusion within the Preserve. The Committee is aware that there may be additional rights-of-way which, while not considered legal rights-of-way, have traditionally provided access to residences within the Preserve. The Committee encourages the Secretary to continue to allow use of traditional access routes when such use would not interfere with the management direction given to the Secretary by this Act.

The second amendment clarifies that the management authority of the Secretary of the Interior identified in section 201(c) is directed only to those lands acquired for inclusion within the Preserve.

The final amendment provides that nothing in the Act shall affect development of a multi-unit residential/resort project currently proposed on private lands on Fort George Island.

The Committee emphasizes that special mention of the Fort George Island situation should not be taken to indicate that unacquired lands in the Preserve should be afforded less protection. The Committee has included specific language for the Fort George Island project because it understands that the developers have invested many years of work and committed substantial financial resources to this project. Furthermore, the developers are nearing the end of the federal, state and local permitting process. The Committee wishes to ensure that the legislation does not affect the permitting process or the construction and development of the project.

Section-By-Section Analysis

Section 101 amends the Act of September 21, 1950 establishing the Fort Caroline National Memorial to expand the authority to in-

clude interpretation of such ecological, historic and prehistoric sites as may be identified or administered by the Secretary of the Interior under this legislation. The existing authorization limitation of $40,000 is removed.

Section 201(a) establishes the Timucuan Ecological and Historic Preserve by map reference. The Secretary is authorized to make minor boundary changes to the map. The Wonderwood Freeway, when constructed, will become part of the southern boundary of the Preserve. The boundary also includes the Theodore Roosevelt Preserve within the Preserve.

Section 201(b) authorizes the Secretary to acquire lands within the boundary of the Preserve. Lands owned by the State or political subdivision thereof may be acquired only by donation or exchange. No lands or interests therein, except wetlands, as defined by section 3 of the Emergency Wetlands Resources (EWR) Act of 1986, may be acquired without the consent of the owner.

Section 3(b) of the EWR Act defines wetlands as follows:

The term "wetland" means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

The Emergency Wetlands Resources Act of 1986 is referenced only for purposes of providing a definition for wetlands. Management authority over the Preserve is not defined by the Emergency Wetlands Resources Act but rather in section 201(c) of H.R. 1983.

Section 201(c) requires the Secretary to administer the area in such a manner as to protect the natural ecology of the land and water areas therein. The Secretary is required to permit boating, boating-related activities, hunting, and fishing within the Preserve in accordance with applicable Federal and State law.

Section 202 permits the Secretary to acquire, by donation or purchase with donated funds and with the consent of the owners, certain specified historic sites.

Section 203 states that any historic properties acquired under section 202 will become part of the Preserve and requires the Secretary to administer and interpret the Preserve in accordance with a plan that integrates the ecological values of the Preserve with the historic values of the sites and those of Fort Caroline.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office.

U.S. Congress,
Congressional Budget Office,
Washington, DC, December 8, 1987.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 1983, an act authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, Florida, and for other purposes, as or-

dered reported by the Senate Committee on Energy and Natural Resources, December 2, 1987.

CBO estimates that enactment of H.R. 1983 would result in additional direct spending of $200,000 over three years—$60,000 in 1988, $80,000 in 1989, and $60,000 in 1990. Additional costs of $200,000 per year in 1988 and 1989 would be subject to appropriation action.

Title I would direct the Secretary of the Interior to construct and maintain a museum at the Fort Caroline National Memorial in Florida. We expect that the construction costs would be paid from the Miscellaneous Trust Funds account of the National Park Service (NPS), which is financed by donations and does not require appropriations. Based on information from the NPS, we expect these costs to total $200,000 over three years.

Title II would establish the Timucuan Ecological and Historical Preserve in the St. Johns River Valley. The Secretary of the Interior would be authorized to acquire lands within the 35,000-acre reserve by purchase, donation, or exchange. This would also authorize the acquisition, by donation only, of eight specific historic sites for inclusion in the reserve. Based on information from the NPS, we estimate that land acquisition costs for the preserve would total $400,000 in fiscal years 1988 and 1989, assuming appropriation of the necessary amounts.

Enactment of this bill would not affect the budgets of state or local government.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1983. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1983, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to H.R. 1983, is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, October 8, 1987.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 1983, as passed by the House of Representatives on July 21, 1987, "Authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, Florida, and for other purposes."

We recommend that H.R. 1983 not be enacted. We believe that the conservation and protection of the resources addressed in this bill should be a matter of State or local action.

H.R. 1983 contains two titles. Title I would amend the 1950 Act that authorized the establishment of Fort Caroline National Memorial in Florida. Title II would establish a new national preserve in the St. Johns River Valley near Jacksonville, Florida, and it would authorize acquisition of several specific historic properties in the area of the preserve. The two titles are interrelated in that Title II provides that the Secretary shall administer the preserve and any historic properties acquired under the bill through the facilities and staff of Fort Caroline National Memorial.

Title I would amend the 1950 Fort Caroline statute in two substantive ways: it would direct the Secretary to construct museum facilities, and it would repeal the existing authorization to transfer Fort Caroline to the State. We believe these amendments are not necessary. We do not need special authority to construct museum facilities on lands which we administer. We do not propose to recommend a transfer of Fort Caroline to the State.

Title II would establish a 35,800-acre national preserve in the St. Johns River Valley in Duval County. In the 99th Congress, the Administration opposed establishment of an 80,000-acre preserve, which included about 45,000 acres in the Nassau River Valley in addition to the area in this bill. Although H.R. 1983 contains a smaller area, confined only to 35,800 acres in Duval County, we continue to oppose the establishment of a preserve. We recommend that the State, which already manages a 52,000-acre aquatic preserve in the St. Johns and Nassau River estuaries, undertake whatever additional conservation action may be appropriate. The Department already manages similar marshland resources in existing park and refuge areas, such as Everglades National Park.

We have no estimate of the cost of acquiring the private land within the preserve proposed in H.R. 1983. Of the 35,800 acres in the proposed preserve, about 95 percent is below mean high tide, and the State of Florida is claiming title to all lands below mean high tide. There are some high lands that are clearly private, but we have no estimate of their cost. We understand that it is the intention of the sponsors of the bill that the 500-acre Theodore Roosevelt Preserve not be acquired, but that a use agreement or lease be negotiated with the Nature Conservancy, which owns the tract. We further understand that it is not the intent of the bill to authorize acquisition of high land south of the St. Johns River. Under H.R.

1983, high lands may be acquired only with the consent of the owner.

Title II also authorizes acquisition of several specific historic properties by donation or with donated funds. Except for the Kingsley Plantation, which is owned by the State, and Mission San Juan del Puerto archeological site, the sites and fortifications listed in H.R. 1983 have not been found to be of historical significance. The Kingsley Plantation and San Juan del Puerto archeological site are listed on the National Register of Historic Places, but the other sites are not. Since the State is currently maintaining one of the properties of historic significance, we do not propose to acquire it. We would not propose to acquire the other sites unless they were determined to be nationally significant through a national landmark study.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

WILLIAM P. HORN,
Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes the following changes in existing law made by the bill as reported (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law to which no change is proposed is shown in roman):

ACT OF SEPTEMBER 21, 1950 (64 STAT. 897)

That the Secretary of the Interior is authorized to acquire, on behalf of the United States, by purchase, donation, or otherwise, the following described lands (together with any improvements thereon), to commemorate the historic settlement of Fort Caroline:

Lots 21 and 22 and Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, and 11A, of Saint Johns Bluff Estates, a subdivision of land described in plat book 18, page 50, of the current public records of Duval County, Florida.

All Z. Kingsley Grant, section 44, township 1 south, range 28 east, and Shipyard Island, also known as Island Numbered 12 (excepting therefrom that part of Z. Kingsley Grant, section 44, township 1 south, range 28 east, as described in deed recorded in deed book 4, page 3, of the current public records of Duval County, Florida).

SEC. 2. The Secretary of the Interior shall conduct such historical, archeological, and other investigations of the lands acquired pursuant to section 1 of this Act as may be necessary to prepare an appropriate plan for the permanent preservation and exhibition of their historical features to the public. In the event that the Secretary shall determine it to be in the national interest, the acquired lands, upon the publication in the Federal Register of an appropriate order of the Secretary of the Interior, shall constitute the Fort

Caroline National Historical Park, set apart as a memorial to the founders of the sixteenth century colony of Fort Caroline.

Such historical park, if established, shall be administered by the Secretary in accordance with the Act of August 25, 1916 (39 Stat. 535), and the Act of August 21, 1935 (49 Stat. 666). *Such historical park shall serve as the principal interpretive center and administrative, facility for the ecological, historic, and prehistoric resources made available under this legislation. In furtherance of the interpretive and administrative functions referred to in the preceding sentence, the Secretary shall construct and maintain appropriate museum facilities for the display of important artifacts and materials that illustrate the history and prehistory of the region.*

[SEC. 3. In the event that the Secretary of the Interior shall determine that the area would be more suitably administered as a State historical park, the Secretary is hereby authorized to transfer title to the land and improvements thereon to the State of Florida: *Provided*, That the State shall perpetually maintain the area for State historical park use generally in accordance with the plan formulated by the Secretary. In the event that the State shall cease to use the land for historical park purposes, or attempt to alienate the lands, title thereto shall revert to the United States; and if, following any such revision, the Secretary of the Interior shall determine that such lands would not be suitable for a national historical park and recommend that the United States sell or otherwise dispose of such lands, the former owners (other than the State) from whom such lands shall have been acquired by the United States under the provision of this Act, or their heirs, shall have an option to repurchase the lands at the price received therefor under this Act. Before acquiring any lands as provided in section 1 hereof, the Secretary shall secure from the State of Florida a statement of its willingness to accept and administer the lands in accordance herewith in the event that the Secretary shall determine that the lands should be administered by the State.]

SEC. [4] *3.* The Secretary of the Interior is authorized to accept gifts of land, interest in lands, funds, and other property from individuals, associations, and groups and public bodies to be used in carrying out the purposes of this Act.

SEC. [5.] *4.* There are authorized to be appropriated such sums as may be necessary[, not to exceed $40,000,] to carry out the provisions of this Act.

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